



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Approving Improvement Deferral Agreement for 975 South Fairmont Avenue

MEETING DATE: October 3, 2007

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Adopt a resolution approving the attached Improvement Deferral Agreement for 975 South Fairmont Avenue and authorizing the City Manager and City Clerk to execute the agreement on behalf of the City.

BACKGROUND INFORMATION: The owner, Lodi Memorial Hospital Association, Inc., has submitted a building application (B19401) to construct site work for the hospital expansion project. Installation of a traffic signal on Ham Lane at the intersection of the new hospital main entrance and Lodi Middle School parking lot driveway is required under the terms of the use permit approved by Resolution No. P.C. 07-06.

The owner is desirous of complying with the conditions of the use permit and existing City ordinances and policies regarding off-site improvement as set forth in Title 15, Chapter 15.44 of the Lodi Municipal Code. However, the owner has requested final inspection for the subject building permit prior to installation of the required off-site traffic signal. Based on the existing traffic volume and past practice in similar situations, staff feels this is a reasonable request.

The owner has signed an Improvement Deferral Agreement and paid the necessary document preparation and recording fees. The agreement, in part, states that the City will monitor the traffic condition on Ham Lane at the intersection of the hospital main entrance and Lodi Middle School driveway. At the request of the City, the owner will pay for and complete the design and installation of the required traffic signal improvements.

Staff recommends approval of the Improvement Deferral Agreement.

FISCAL IMPACT: There will be minor traffic monitoring costs.

FUNDING AVAILABLE: The developer will pay all signal costs.

Richard C. Prima, Jr.
Public Works Director

Prepared by: Lyman Chang, Senior Civil Engineer
RCP/LC/pmf
Attachment
cc: Lodi Memorial Hospital
Senior Civil Engineer – Welch
Senior Traffic Engineer

APPROVED: _____
Blair King, City Manager

WHEN RECORDED, RETURN TO:

City Clerk
City of Lodi
221 West Pine Street
Lodi, CA 95240

IMPROVEMENT DEFERRAL AGREEMENT
975 S. Fairmont Avenue

THIS AGREEMENT is made and entered into by and between the CITY OF LODI, hereinafter referred to as "City" and LODI MEMORIAL HOSPITAL ASSOCIATION, INC., a Non-profit California Corporation, hereinafter referred to as "Owner".

RECITALS:

Owner is the owner of that certain real property situated in the City of Lodi, County of San Joaquin, and described as follows:

Parcels "B", "C", "D", and "E" as shown on the parcel map filed on October 12, 1984, in Book 13 of Parcel Maps, at Page 22, San Joaquin County Records.

A building permit (#19401) has been issued for site work preparation for the expansion of Lodi Memorial Hospital. Owner is required as a condition of building permit approval and under the terms of the use permit approved by Resolution No. P.C. 07-06 to install a traffic signal on Ham Lane at the intersection of the main hospital entrance and Lodi Middle School parking lot driveway. Owner is desirous of complying with the conditions of the use permit and existing City ordinances and policies regarding off-site improvements as set forth in Title 15, Chapter 15.44 of the Lodi Municipal Code. However, Owner has requested final inspection for the subject building permit prior to installation of the required off-site traffic signal.

Council of the City will approve the final inspection on condition that the owner first enters into and executes this agreement with the City.

NOW THEREFORE, in order to insure satisfactory performance by Owner of Owner's obligations under said city Code, the parties agree as follows:

1. Owner will pay for and complete the design and installation of the traffic signal on Ham Lane at the intersection of the main hospital entrance and the Lodi Middle School parking lot driveway upon written request by the City.
2. The Public Works Department shall monitor the intersection of Ham Lane at the intersection of the hospital main entrance and the Lodi Middle School parking lot driveway to determine when traffic signal installation is required.
3. If Owner fails to initiate and complete the required improvements within 180 days of written request by the City, the City is hereby authorized to complete the improvements for the account at the expense of Owner, and may file suit against Owner, its heirs, successors or assigns for the costs incurred, as well as for a reasonable sum to be allowed as and for the City's attorney fees incurred in connection with such litigation for the collection of the monies due or may file a lien against said property for the costs incurred.

4. This agreement shall run with the land and be binding on the Owner, its heirs, successors or assigns.
5. A copy of the Agreement shall be recorded in the office of the San Joaquin County Records, P. O. Box 1968, Stockton, California 95201-1968.
6. All notices herein required shall be in writing, and delivered in person or sent by registered mail, postage prepaid.

Notices required to be given to City shall be addressed as follows:

Richard C. Prima, Jr.
Public Works Director
City of Lodi
P. O. Box 3006
Lodi, CA 95240-1910

Notices required to be given to Owner shall be addressed as follows:

Lodi Memorial Hospital
975 S. Fairmont Avenue
Lodi, CA 95240

IN WITNESS WHEREOF, the parties hereto have set their hands the day, month and year appearing opposite their names.

CITY OF LODI, a Municipal Corporation

Dated: _____ 2007

By: _____
Blair King, City Manager

Attest: _____
Randi Johl, City Clerk

Lodi Memorial Hospital Association, Inc.

Dated: _____ 2007

Approved as to form: _____
D. Stephen Schwabauer
City Attorney

Dated: _____ 2007

RESOLUTION NO. P.C. 07-06

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI APPROVING THE REQUEST OF LODI MEMORIAL HOSPITAL FOR A USE PERMIT TO CONVERT SIX RESIDENTIAL PARCELS LOCATED AT 1201, 1139, 1133, 1127, 1121, AND 1115 CARDINAL STREET (APN: 031-080-02, 031-080-03, 031-080-04, 031-080-05, 031-080-06, 031-080-07, RESPECTIVELY) (PROJECT FILE 07-U-02).

- WHEREAS,** the applicant, Lodi Memorial Hospital, has requested a Use Permit to expand their existing parking lot on 6 residential lots zoned R-2, Single Family Residence; and
- WHEREAS,** the Planning Commission of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, on the requested Use Permit, in accordance with the Lodi Municipal Code, Section 17.72.070; and
- WHEREAS,** the project proponent is Lodi Memorial Hospital, 975 South Fairmont Avenue Lodi, CA 95241; and
- WHEREAS,** the property owner is Lodi Memorial Hospital, 975 South Fairmont Avenue Lodi, CA 95241; and
- WHEREAS,** the project area is located at 1201, 1139, 1133, 1127, 1121, and 1115 Cardinal Street; and
- WHEREAS,** the properties are zoned R-2, Single Family Residence and have a General Plan land use designation of LDR, Low Density Residential; and
- WHEREAS,** the Lodi Municipal Code allows residential properties to be used for parking for an adjacent use subject to a use Permit; and
- WHEREAS,** all legal prerequisites to the adoption of this Resolution have occurred; and
- WHEREAS,** the proposed Use Permit is consistent with all zoning and General Plan standards; and
- WHEREAS,** the proposed project will support the Hospital expansion plan involving a Rezoning of the entire 17.56 Area hospital campus, but is not dependent on the said project; and
- WHEREAS,** The project is found to be categorically exempt according to the California Environmental Quality Act, Article 19 §15332, Class 32. The project is exempted by CEQA as an "In-Fill Development Project". The project is consistent with the applicable General Plan designation and all applicable General Plan policies as well as with applicable Zoning designation and regulations. The proposed development occurs within City limits on a project site of no more than five acres substantially surrounded by urban uses. The project site has no value as habitat for endangered, rare or threatened species. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. The site can be adequately served by all required utilities and public services. No significant impacts are anticipated and no mitigation measures have been required.

Based upon the evidence in the staff report and project file, the Planning Commission of the City of Lodi makes the following findings:

1. The proposed use will be consistent with all applicable goals, policies and standards of the City's adopted General Plan Policy Document.
2. The proposed use is consistent with the Zoning Ordinance.

3. The proposed use will not be detrimental to the health, safety or general welfare of persons residing or working in the neighborhood or be detrimental or injurious to the health, safety, peace or general welfare of the City.
4. The proposed use will provide needed off-street parking for the Hospital and, therefore, provide a benefit to the surrounding area.
5. The proposed parking expansion provides a current benefit to the area now and also will support the pending planned hospital expansion, but is not dependent on the Hospital expansion.

NOW, THEREFORE, BE IT DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi that Use Permit 07-U-02 is hereby approved, subject to the following conditions:

Community Development Department, Planning:

1. The developer will defend, indemnify, and hold the City, its agents, officers, and employees harmless of any claim, action, or proceeding to attack, set aside, void, or annul this permit, so long as the City promptly notifies the developer of any claim, action, or proceedings, and the City cooperates fully in defense or the action or proceedings.
2. The proposed surface parking on the new parcels shall be subject to setback and all other zoning code requirements
3. The applicant shall submit the location, design, and material of the 6-foot high screen wall to the Community Development Department for review and approval prior to issuance of a Building Permit.
4. To the extent feasible, the architecture of the proposed 6-foot high screen wall shall compliment the surrounding neighborhood. The elevation will be reviewed as a part of the building permit process.
5. The applicant shall submit a landscaping and irrigation system plan to the Community Development Department for review and approval.
6. Onsite parking shall be constructed to meet City of Lodi's parking standards and meet the City's required parking stall dimensions.

Community Development Department, Building:

7. The existing homes on Cardinal Street shall be demolished under the terms of demolition permits to be issued by the City of Lodi Building Division.

Public Works Department, Engineering:

8. A lot merger needs to be completed to join the parcels on Cardinal Street with the existing hospital parcel to allow construction of the proposed parking lot.
9. The existing homes on Cardinal Street shall be demolished under the terms of demolition permits to be issued by the City of Lodi Building Division. Existing water and wastewater services for the homes shall be abandoned by City crews at the owner's expense in conjunction with the demolition operations.
10. Submit civil site, utility and drainage plans for review and approval by the Public Works Department.
11. The main hospital driveway on Ham Lane and all other proposed hospital driveways shall be special commercial driveways conforming to Standard Plan 111. All driveways shall be fully compliant with ADA standards. All unused driveways shall be removed and replaced with curb, gutter and sidewalk in conformance with City standards.

12. All drainage shall be collected on site and discharged to the public storm drain system in conformance with City standards. The drainage in the landscaped area adjacent to the hospital parking lot expansion needs to be addressed on the plans.
13. All existing overhead utilities in the southern portion of the project site shall be placed underground.
14. Based on the Trip Generation Analysis and Assessment of Ham Lane Driveway Configuration for the Proposed Lodi Memorial Hospital Expansion prepared by Fehr & Peers, the following improvements are required:
 - a. Lodi Middle School improvements.
 - i. The Lodi Middle School driveway on Ham Lane shall be reconfigured to provide a single inbound and outbound special commercial driveway that is aligned with the proposed main hospital driveway and conforms to Standard Plan 111. To reduce congestion at the driveway, separate left and right-turn outbound lanes shall be provided. Unused driveways shall be removed and replaced with curb, gutter and sidewalk in conformance with City standards.
 - ii. The parking lot circulation layout shall be reconfigured to improve on-site pick-up/drop-off operations at the school. The primary pick-up/drop-off should be designated as far west as possible as shown on Figure 4 in the Fehr & Peers report.
 - iii. Upgrade school signage on Ham Lane.
 - iv. School signage on Ham Lane modifications to the Middle School parking lot and driveway shall be to the approval of the Public Works Department.
 - b. Installation of a traffic signal on Ham Lane at the intersection of the main hospital and school parking lot driveway is required. The Public Works Department is willing to defer the installation of the traffic signal under the terms of an Improvement Deferral Agreement. The intersection shall be monitored annually by the Public Works Department. The improvement deferral agreement shall stipulate that the traffic signal be installed at the owner's expense when requested by the City.
15. Submit engineered improvement plans and estimate per City Public Improvement Design Standards for all public improvements. Plans shall include improvements to be made to the Lodi Middle School parking lot and driveway.
16. Submit copy of Notice of Intent for NPDES permit, including storm water pollution prevention plan (SWPPP).
17. An encroachment permit issued by the Public Works Department is required for all work in the public right-of-way. Payment of the following fees is required prior to issuance of the permit:
 - a. Filing and processing fees and charges of services performed by City forces per the Public Works Fee and Service Charge Schedule.
 - b. Improvement Deferral Agreement preparation fee.
 - c. Development Impact Mitigation Fee per the Public Works Fee and Service Charge Schedule prior to issuance. Credit will be applied for existing development on the site.
 - d. Wastewater capacity impact fee. Credit will be applied for existing development on the site.

e. Regional Transportation Impact Fee (RTIF).

Electric Utilities Department:

18. The applicant shall submit a disconnect request to the Finance Department for the removal of the overhead services.

Dated: February 28, 2007

I hereby certify that Resolution No. 07-06 was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on February 28, 2007, by the following vote:

AYES: Commissioners: *all commissioners*
NOES: Commissioners: —
ABSENT: Commissioners: *white*
ABSTAIN: Commissioners: —

ATTEST: *Nancy Hotal*
SECRETARY, PLANNING COMMISSION

RESOLUTION NO. 2007-_____

A RESOLUTION OF THE LODI CITY COUNCIL
APPROVING IMPROVEMENT DEFERRAL AGREEMENT
FOR TRAFFIC SIGNAL IMPROVEMENTS AT
975 SOUTH FAIRMONT AVENUE

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BE IT RESOLVED that the Lodi City Council hereby approves the Improvement Deferral Agreement between the City of Lodi and Lodi Memorial Hospital Association, Inc., for traffic signal improvements at 975 South Fairmont Avenue, Lodi, on file in the office of the City Clerk; and

BE IT FURTHER RESOLVED that the City Manager and City Clerk are hereby authorized to execute the agreement on behalf of the City of Lodi.

Dated: October 3, 2007

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I hereby certify that Resolution No. 2007-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held October 3, 2007, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL
City Clerk

2007-_____